

REMARKS/ARGUMENTS

Claims 57 – 88 are currently pending in this application. Claim 72 is canceled without prejudice. Claims 1 – 56 were previously canceled without prejudice. Claims 71, 73 – 74, 76 – 79 are amended.

Claim Rejections - 35 U.S.C. § 103

Claims 57 – 62, 64 – 69, 71 – 84, and 86 – 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0142691 to Jollota et al. (hereinafter “Jollota”) in view of U.S. Patent No 6,330,459 to Crichton et al. (hereinafter “Crichton”).

Claim 85 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jollota in view of Crichton and in further view of U.S. Patent No 6,593,880 to Velazquez et al. (hereinafter “Velazquez”).

Claims 63, 70, and 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jollota in view of Crichton and in further view of U.S. Patent No 5,396,541 to Anderson et al. (hereinafter “Anderson”).

Jollota does not disclose a base station configured to detect omnidirectional sounding pulses from wireless transmit/receive units (WTRUs) as is recited in independent claims 57, 64, 71, 76, and 82. Jollata teaches the use of a Bluetooth Inquiry packet. One skilled in the art would recognize that a Bluetooth INQUIRY

packet is inapplicable for use with a WTRU and is not the equivalent of an omnidirectional sounding pulse. For example, the INQUIRY process is relatively slow, on the order of several seconds to complete; the effective signal range is only 10 meters; and an INQUIRY signal is sent on a train of 32 hop frequencies. Furthermore, an INQUIRY signal results in the communication of a target Bluetooth access point's MAC address and clock information. Because relative location is irrelevant in the Bluetooth environment, a Bluetooth INQUIRY packet does not provide any indication of relative location. Therefore an inquiry signal is not equivalent to the omnidirectional sounding pulse recited in claims 57, 64, 71, 76, and 82.

Moreover, the Examiner admits that Jollata does not disclose "the network station configured to receive from the interface a relative location of the WTRU and selectively operating the beamforming antenna to direct a common channel toward the relative location of the WTRU." As such the Examiner has cited Crichton.

Crichton does not disclose a base station configured to receive from the interface a relative location of the WTRU as is recited in independent claims 57, 64, 71, 76, and 82. Crichton teaches that the direction of the communication device is determined by the base station based on the direction of arrival of the signal at the antenna of the base station, (column 5, line 55 – column 6, line 5). Furthermore, Crichton teaches methods for optimizing the radiation pattern, performed by the

mobile unit (column 6 lines 25 – 51), and performed by the base station (column 6, line 52 – column 7, line 52). Nothing in Crichton teaches, suggests, or implies that the base station ever receives a relative location of a WTRU from an interface. Crichton, and similarly Jollota, teaches the use of signal strength for selecting a base station to communicate with the mobile station, (column 5, line 65 – column 6, line 5).

Similarly, Velazquez fails to teach, suggest, or imply the elements recited in independent claims 89, 96, 103, 108, and 114.

Crichton, Velazquez, and Anderson, taken alone or in combination, do not remedy the deficiencies of Jollota. Therefore claims 57, 64, 71, 76, and 82 are distinguishable over the combination of Jollota, Crichton, Velazquez, and Anderson.

Claims 58 – 63, 65 – 70, 72 – 75, 77 – 81, and 83 - 88 depend from claims 57, 64, 71, 76, and 82 respectively, and the Applicants believe these claims are allowable over Jollota, Crichton, Velazquez, and Anderson for at least the reasons provided above.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103(a) rejection of claim 57 – 88 is respectfully requested.

Applicant: Cave et al.
Application No.: 10/626,165

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Cave et al.

By /Adam D. Kline/
Adam D. Kline
Registration No. 62,152

Volpe and Koenig, P.C.
United Plaza
30 South 17th Street
Philadelphia, PA 19103-4009
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

ADK:jmn